UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,473	03/09/2000	MASAAKI YAMAMOTO	9683/66	8959

757   7590   06/16/2004

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER
CHENCINSKI, SIEGFRIED E

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/508,473	YAMAMOTO ET AL.
	Examiner	**Art Unit**
	Siegfried E. Chencinski	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-66* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-66* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☒ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 12, 2003 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1, 2, 1/2/8, 1/2/9, 1/2/9/10, 1/2/9/10/11, 1/2/11/12, 1/2/11/12/13, 1/3/8, 1/3/9, 1/3/9/10, 1/3/11, 1/3/11/12, 1/3/11/12/13, 1/8, 1/9, 1/9/10, 1/11, 1/11/12, 1/11/12/13, 4/5, 4/5/8, 4/9, 4/5/9/10, 4/5/11, 4/5/11/12, 4/5/11/12/13, 4/8, 4/9, 4/9/10, 4/11, 4/11/12, 4/11/12/13, 14-25, 27-41, 39-41, 44-50, 52-56 and 63-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik (US Patent 6,266,699) in view of Henrick et al. (US Patent 6,055,510, henceforth Henrick).

Re. **Claim 1,** Sevcik discloses in a communication network comprising at least one information provider server, a plurality of user terminals which receive information from said information provider server and a transfer device for routing information between said information provider server and said user terminals, and a billing method performed by said transfer device (Col. 1, Line 1 - Col.3, line 33). Sevcik does not explicitly disclose:

- recording at least one network address for the information provider server and billing management information for identifying whether the information provider server is billed;

- detecting a network address of said information provider server device for an information transmission from said information provider server to said user terminal;

- determining whether or not said information provider server is to be billed based on the detected network address and said billing management information; and

- billing the information provider server which performed the information transmission if said billing management information indicates information provider server billing.

However, Sevcik discloses that "it is possible .... to modify the ... particular information about Internet applications in the domain name server DNS function, and to modify the authorizations, ... and the billing information in the service control point and in the domain name server function (Col. 3, II. 26-33, Col. 2, line 47 - Col. 3, line 32; Col. 5, lines 22-26). Further, Henrick et al. disclose a commercial communications network which has a customer base of users who pay an internet service provider (ISP) to perform a basic set of communications services. The ISP determines various demographic subgroups from his master user group, obtains contracts from information providers (IP) such as advertisers who pay the ISP to send messages to one or more of these demographic groups. The ISP selectively sends information such as advertising messages according to the contracts he obtains from IP's. The ISP then bills the IP according to an agreed upon formula. Thus, Henrick et al. disclose:

- Recording an information provider's network address and billing management information (Col. 1, II. 33-45. Recording of this information is implicit in the Henrick scheme. The information must be obtained if the subsequent steps are to occur.),

- detecting the IP's network address (Col. 2, II. 43-44; col. 2, II. 55-58),

- determining whether or not, and what amount to bill based on the IP 's network address and the billing management information (Col. 1, II. 43-45), and

- billing the IP accordingly (Col. 2, II. 57-58).

Accordingly, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to combine the disclosure of Sevcik with the disclosure of Henrick for the purpose of earning extra revenue by establishing a secondary customer group of IP's who pay the ISP to send targeted messages to the ISP 's user customers, thus enabling merchandisers and service providers, and possibly other interested parties, to promote their products, services and ideas to an ISP's users (Henrick, Col. 1, II. 26-30).

Re. Claim 2, Sevcik discloses a billing method as recited in claim 1, wherein said transfer device does not route a transmission if no one is to be billed (, Col. 2, lines 32-43; Col. 2, line 62-Col. 3, line 9; Col. 4, lines 36-47). Sevcik does not explicitly disclose a transfer device which does not route an information transmission if the information provider server is not billed. Given Sevcik's disclosure to modify routing and billing (Col. 3, II. 26-33), it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to modify Sevcik's disclosure for the purpose having the transfer device not route a transmission if the ISP is not billed. The practitioner's motivation would have been to include this control feature in an appropriate computer automated network activity which bills Internet Service Providers in addition to the billing of users. Such ISP billing needs arise when information is pushed to a user who has not requested the information, such as in the case of advertising and promotion messages.

Re. Claim 3, Sevcik discloses a billing method as in claim 1, wherein said transfer device bills a user who received the information transmission if the information provider server is not billed (for example, Col. 2, line 62 - Col. 3, line 12).

Re. Claim 8, Sevcik discloses a billing method as in any one of claims 1-7, wherein billing is based on communication services for at least a portion of the information transmitted (for example, Col. 2, Lines 49-57; col. 3, lines 17-20).

Re. Claim 9, Sevcik discloses a billing method as in any one of claims 1-7, wherein billing is based on an information fee for information provided (for example, Col. 2, Lines 49-57; Col. 3, lines 17-32).

Re. Claim 10, Sevcik discloses a billing method as in claim 9, wherein said transfer device bills users the information fees if the information provider server is not billed (Col. 2, Lines 49-57; Col. 3, lines 17-32; Col. 5, lines 6-9).

Re. Claim 11, Sevcik discloses a billing method as in any one of claims 1-7, wherein said server device belongs to a first communication network following a first communication protocol and said plurality of user terminals belong to a second communication network following a second communication protocol different from that of said first communication network; and wherein said transfer device is a gateway for converting between said first and second communication protocols and routing information transmissions (for example, Col. 2, Lines 49-57; Col. 3, lines 17-32; Col. 5, lines 6-9).

Re. Claim 12, Sevcik discloses a billing method as in claim 11, wherein said second communication network is a local network accommodating specific user terminals; and said first communication network is a global network interconnecting information resources such as said server device assigned identification information for identifying an absolute network address (for example, Col. 2, line 62 - Col. 3, line 12; Col. 3, lines 17-32; col. 5, lines 6-9).

Re. Claim 13, Sevcik discloses a billing method as in claim 12, wherein said second communication network is a mobile communication network accommodating a plurality of user terminals which are mobile terminals, and wherein said first communication network is the Internet (for example, Col. 3, lines 17-32).

Re. Claim 4, Sevcik anticipates a communication network comprising an information provider server, a plurality of user terminals which receive information from said information provider server and a transfer device for routing information between said information provider server and said user terminals, a billing method performed by said transfer device comprising (Col. 1, Line 1 - Col.3, line 33):

- billing the party (Col. 2, ll. 47-57; Col. 3, ll. 13-20; Col. 5, ll. 23-26).

Sevcik does not explicitly disclose a billing method performed by said transfer device which comprises:

- receiving, from said information provider server, billing information other than a network address of the information provider server and information to be delivered to a user terminal; and
- determining which party, from at least two parties, to bill for routing the information, wherein determining is based on said billing information.

However, Sevcik's discloses that "it is possible .... to modify the ... particular information about Internet applications in the domain name server DNS function, and to modify the authorizations, ... and the billing information in th service control point and in the domain name server function (Col. 3, ll. 26-33, Col. 2, line 47 - Col. 3, line 32; Col. 5, lines 22-26). Further, Henrick et al. disclose a commercial communications network which has a customer base of users who pay an internet service provider (ISP) to perform a basic set of communications services. The ISP determines various demographic subgroups from his master user group, obtains contracts from information providers (IP) such as advertisers who pay the ISP to send messages to one or more of these demographic groups. The ISP selectively sends information such as advertising messages according to the contracts he obtains from IP's. The ISP then bills the IP according to an agreed upon formula. Thus, Henrick et al. disclose:

- receiving, from said information provider server, billing information other than a network address of the information provider server and information to be delivered to a user terminal (The billing information received from the IP by the ISP are the billing definitions in the contract of targeted messages to be sent under specified conditions and within specified time frames, which, if performed, create the billing information through the ISP's documentation transmitted to the IP customer. – Col. 1, ll. 33-45); and
- determining which party, from at least two parties, to bill for routing the information, wherein determining is based on said billing information (Col. 2, l. 7;

Fig. 1. An ordinary practitioner of the art would find it obvious that Henrick's teaching would be that the ISP's sole billing processor which performs all billing to customers, including users and ISP's, would have software which is capable distinguishing between any and all customers).

Accordingly, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to combine the disclosure of Sevcik with the disclosure of Henrick for the purpose of earning extra revenue by establishing a secondary customer group of IP's who pay the ISP to send targeted messages to the ISP 's user customers, thus enabling merchandisers and service providers, and possibly other interested parties, to promote their products, services and ideas to an ISP's users (Henrick, Col. 1, ll. 26-30).

Re. Claim 5, Sevcik discloses a billing method as in claim 1, wherein said transfer device bills a user who received the information transmission if the information provider server is not billed (for example, Col. 2, line 62 - Col. 3, line 12).

Re. Claim 8, Sevcik discloses a billing method as in any one of claims 1-7, wherein billing is based on communication services for at least a portion of the information transmitted (for example, Col. 2, Lines 49-57; col. 3, lines 17-20).

Re. Claim 9, Sevcik discloses a billing method as in any one of claims 1-7, wherein billing is based on an information fee for information provided (for example, Col. 2, Lines 49-57; Col. 3, lines 17-32).

Re. Claim 10, Sevcik discloses a billing method as in claim 9, wherein said transfer device bills users the information fees if the information provider server is not billed (Col. 2, Lines 49-57; Col. 3, lines 17-32; Col. 5, lines 6-9).

Re. Claim 11, Sevcik discloses a billing method as in any one of claims 1-7, wherein said server device belongs to a first communication network following a first communication protocol and said plurality of user terminals belong to a second communication network following a second communication protocol different from that of said first communication network; and wherein said transfer device is a gateway for converting between said first and second communication protocols and

routing information transmissions (for example, Col. 2, Lines 49-57; Col. 3, lines 17-32; Col. 5, lines 6-9).

Re. Claim 12, Sevcik discloses a billing method as in claim 11, wherein said second communication network is a local network accommodating specific user terminals; and said first communication network is a global network interconnecting information resources such as said server device assigned identification information for identifying an absolute network address (for example, Col. 2, line 62 - Col. 3, line 12; Col. 3, lines 17-32; col. 5, lines 6-9).

Re. Claim 13, Sevcik discloses a billing method as in claim 12, wherein said second communication network is a mobile communication network accommodating a plurality of user terminals which are mobile terminals, and wherein said first communication network is the Internet (for example, Col. 3, lines 17-32).

Re. Claim 14, Sevcik discloses a communication system comprising a plurality of information provider servers, a plurality of user terminals, and a transfer device for routing information between the information provider servers and the user terminals (Col. 1, Line 1 - Col.3, line 33), a billing method performed by the transfer device comprising:

- identifying which party, from at least two parties, to bill (Col. 2, ll. 49-54);
- billing the party (Col. 2, ll. 47-57; Col. 3, ll. 13-20; Col. 5, ll. 23-26).

Sevcik does not explicitly disclose

- recording network addresses for the information provider servers and billing management information;
- receiving a network address of an information provider server, the information provider server providing the information for routing;
- determining which party to bill, from the at least two parties, based on the received network address and the billing management information (Col. 2, l. 7; Fig. 1. An ordinary practitioner of the art would find it obvious that Henrick's teaching would be that the ISP's sole billing processor which performs all billing

to customers, including users and ISP's, would have software which is capable distinguishing between any and all customers).

However, Sevcik discloses that "it is possible .... to modify the ... particular information about Internet applications in the domain name server DNS function, and to modify the authorizations, ... and the billing information in the service control point and in the domain name server function (Col. 3, II. 26-33, Col. 2, line 47 - Col. 3, line 32; Col. 5, lines 22-26). Further, Henrick discloses a commercial communications network which has a customer base of users who pay an internet service provider (ISP) to perform a basic set of communications services. The ISP determines various demographic subgroups from his master user group, obtains contracts from information providers (IP) such as advertisers who pay the ISP to send messages to one or more of these demographic groups. The ISP selectively sends information such as advertising messages according to the contracts he obtains from IP's. The ISP then bills the IP according to an agreed upon formula. Thus, Henrick discloses:

- recording network addresses for the information provider servers and billing management information for identifying which party, from at least two parties, to bill (Col. 1, II. 33-45. Recording of this information is implicit in the Henrick scheme. The information must be obtained and recorded if the subsequent steps are to occur. The billing step makes it obvious that the recording step took place.);

- receiving a network address of an information provider server, the information provider server providing the information for routing (The billing information received from the IP by the ISP are the billing definitions in the contract of targeted messages to be sent under specified conditions and within specified time frames, which, if performed, create the billing information through the ISP's documentation transmitted to the IP customer. – Col. 1, II. 33-45);

- determining which party to bill, from the at least two parties, based on the received network address and the billing management information ().

Accordingly, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to combine the disclosure of Sevcik with the disclosure of Henrick for the purpose of earning extra revenue by establishing a secondary customer group of IP's who pay the ISP to send targeted messages to the ISP 's user customers, thus enabling merchandisers and service providers, and possibly other interested parties, to promote their products, services and ideas to an ISP's users (Henrick, Col. 1, II. 26-30).

Re. Claim 15, Sevcik discloses a billing method of claim 14, determining which party to bill comprises:

comparing the received network address with the recorded network addresses to determine if the received network address matches a specific network address; and if the received network address matches the specific network address, determining which party, from the at least two parties, to bill for routing the information based on the billing management information correlated to the specific network address (for example, Col. 2, lines 46-61).

Re. Claim 16, Sevcik discloses a billing method wherein the network address is a URL (for example, col. 1, lines 60-61; Col. 3, lines 21-32).

Re. Claim 17, Sevcik discloses a billing method wherein receiving a network address comprises receiving the network address when said user terminal receives an information transmission from said information provider server (for example, Col. 2, lines 47-61; Col. 3, lines 21-32).

Re. Claim 18, Sevcik discloses a billing method wherein determining which party to bill comprises determining whether to bill the information provider server; and wherein billing the party comprises billing the information provider server if it is determined to bill the information provider server (for example, Col. 3, lines 21-32).

Re. Claim 19, Sevcik discloses a billing method wherein billing the party comprises billing a user of the user terminal if it is determined not to bill the information provider server (for example, Col. 2, lines 47-61; Col. 3, lines 21-32).

Re. Claim 20, Sevcik discloses a billing method wherein determining which party to bill comprises determining whether to bill a user of the user terminal; and wherein

billing the party comprises billing the user if it is determined to bill the user (for example, Col. 2, lines 47-61; Col. 3, lines 21-32).

Re. Claim 21, Sevcik discloses a billing method wherein a database correlates network addresses with billing management information; and wherein recording network addresses for the information provider servers and billing management information comprises registering the network addresses and the billing management information in the database (for example, Col. 2, line 32 - Col. 3, line 32).

Re. Claim 22, Sevcik discloses a billing method wherein registering is performed by the information provider server (for example, Col. 3, lines 21-32).

Re. Claim 23, Sevcik discloses a billing method wherein routing of information comprises a pull-type information transmission (for example, Col. 2, lines 37-43, Col. 3, lines 21-32).

Re. Claim 24, Sevcik discloses a billing method wherein the network address is received from the user terminal (for example, Col. 2, lines 35-43; 62-65; Col. 3, lines 21-32).

Re. Claim 25, Sevcik discloses a billing method wherein receiving the network address comprises receiving a delivery acknowledgment signal from the user terminal (for example, Col. 2, lines 4 - Col. 3, line 32).

Re. Claim 27, Sevcik discloses a billing method wherein the network address is received from the information provider server (for example, Col. 2, lines 35-37).

Re. Claim 28, Sevcik discloses a billing method wherein determining which party to bill is performed after a user terminal sends a notification that data from the information provider server has been received (for example, Col. 2, lines 32 – COL. 3, line 32).

Re. Claim 29, Sevcik discloses a billing method comprising routing at least a portion of the information from the information provider server to a user terminal (for example, Col. 2, lines 13-22; Col. 3, lines 21-32).

Re. Claim 30, Sevcik discloses a billing method determining which party to bill comprises determining whether to bill the information provider server, and

further comprising refusing to route the information from the information provider server to a user terminal if it is determined that information provider server is not to be billed (for example, Col. 2, line 4 - Col. 3, lines 32).

Re. Claim 31, Sevcik discloses a billing method wherein billing the party comprises billing the party based on the information routed (for example, Col. 2, lines 47-57).

Re. Claim 32, Sevcik discloses a billing method wherein billing the party comprises billing the party based on content of the information routed (for example, Col. 2, lines 47-57).

Re. Claim 33, Sevcik discloses a billing method wherein billing the party comprises billing the party based on an amount of the information routed (for example, Col. 2, lines 47-57).

Re. Claim 34, Sevcik discloses a billing method wherein billing the party comprises billing the party based on communication services for routing the information (for example, Col. 2, lines 47-57).

Re. Claim 35, Sevcik discloses a billing method wherein the billing management information further comprises type of billing; and wherein billing the party comprises billing the party based on the type of billing (for example, Col. 2, lines 47-57).

Re. Claim 36, Sevcik discloses a billing method wherein the type of billing comprise amount-dependent or fixed-rate (for example, Col. 2, lines 47-57).

Re. Claim 37, Sevcik discloses a billing method wherein the information provider server is in a first communication network following a first communication protocol, wherein the plurality of user terminals is in a second communication network following a second communication protocol, and wherein the transfer device is a gateway converting between the first and second communication protocols (for example, Col. 2, lines 4-46; Col. 3, lines 21-32).

Re. Claim 38, Sevcik discloses a billing method wherein the first communication network comprises an Internet, wherein the second communication network comprises a mobile communication network, and wherein the plurality of user terminals comprise mobile terminals (for example, Col. 2, line 1 - Col. 3, line 32).

Re. Claim 39, Sevcik discloses a communication system comprising an information
provider server, a plurality of user terminals, and a transfer device for routing
information between the information provider server and the user terminals, a billing
method performed by the transfer device comprising (Col. 1, Line 1 - Col.3, line 33):

- billing the party (Col. 2, II. 47-57; Col. 3, II. 13-20; Col. 5, II. 23-26).

Sevcik does not explicitly disclose:

- receiving a communication from the information provider server, the
  communication comprising information to be routed and billing information,
  wherein the billing information is other than a network address for the information
  provider server; and

- determining which party, from at least two parties, to bill for routing the
  information, wherein determining is based on the billing information.

However, Sevcik's discloses that "it is possible .... to modify the ... particular
information about Internet applications in the domain name server DNS function, and
to modify the authorizations, ... and the billing information in th service control point
and in the domain name server function (Col. 3, II. 26-33, Col. 2, line 47 - Col. 3, line
32; Col. 5, lines 22-26). Further, Henrick et al. disclose a commercial communications
network which has a customer base of users who pay an internet service provider (ISP)
to perform a basic set of communications services. The ISP determines various
demographic subgroups from his master user group, obtains contracts from information
providers (IP) such as advertisers who pay the ISP to send messages to one or more of
these demographic groups. The ISP selectively sends information such as advertising
messages according to the contracts he obtains from IP's. The ISP then bills the IP
according to an agreed upon formula. Thus, Henrick et al. disclose:

- receiving a communication from the information provider server, the
  communication comprising information to be routed and billing information,
  wherein the billing information is other than a network address for the information
  provider server (The billing information received from the IP by the ISP are the
  billing definitions in the contract of targeted messages to be sent under specified

conditions and within specified time frames, which, if performed, create the billing
information through the ISP's documentation transmitted to the IP customer. –
Col. 1, ll. 33-45); and

- determining which party, from at least two parties, to bill for routing the
information, wherein determining is based on the billing information (Col. 2, l. 7;
Fig. 1. An ordinary practitioner of the art would find it obvious that Henrick's
teaching would be that the ISP's sole billing processor which performs all billing
to customers, including users and ISP's, would have software which is capable
distinguishing between any and all customers).

Accordingly, it would have been obvious to an ordinary practitioner of the art at the time
of Applicant's invention to combine the disclosure of Sevcik with the disclosure of
Henrick for the purpose of earning extra revenue by establishing a secondary customer
group of IP's who pay the ISP to send targeted messages to the ISP 's user customers,
thus enabling merchandisers and service providers, and possibly other interested
parties, to promote their products, services and ideas to an ISP's users (Henrick, Col. 1,
ll. 26-30).

Re. Claim 40, Sevcik discloses a billing method wherein the communication comprises
HTML data, and wherein the billing information comprises a tag to the HTML data (for
example, Col. 2, line 4 – Col. 3, line 33).

Re. Claim 41, Sevcik discloses a billing method of claim 39, wherein the billing
information comprises an address within the transfer device (for example, Col. 3,
lines 21-32).

Re. Claim 44, Sevcik does not explicitly disclose a communication system
comprising an information provider server, a plurality of user terminals, and a
transfer device for routing information between the information provider server and
the user terminals, a method for operating the information provider server comprising
(Col. 1, Line 1 - Col.3, line 33);

- sending network address and billing information from the information provider
server to the transfer device, wherein the billing information identifies which

party is to be billed for routing information from the information provider server.

However, Sevcik discloses that "it is possible .... to modify the ... particular information about Internet applications in the domain name server DNS function, and to modify the authorizations, ... and the billing information in the service control point and in the domain name server function (Col. 3, II. 26-33, Col. 2, line 47 - Col. 3, line 32; Col. 5, lines 22-26). Further, Hendrick discloses sending network address and billing information from the information provider server to the transfer device, wherein the billing information identifies which party is to be billed for routing information from the information provider server (The billing information sent by the IP to the ISP are the billing definitions in the contract of targeted messages to be sent under specified conditions and within specified time frames, which, if performed, create the billing information through the ISP's documentation transmitted to the IP customer. – Col. 1, II. 33-45. These billing definitions permit the ISP's billing system to identify which party to bill for routing information from the information provider server - Col. 2, I. 7; Fig. 1). Accordingly, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to combine the disclosure of Sevcik with the disclosure of Henrick for the purpose of earning extra revenue by establishing a secondary customer group of IP's who pay the ISP to send targeted messages to the ISP 's user customers, thus enabling merchandisers and service providers, and possibly other interested parties, to promote their products, services and ideas to an ISP's users (Henrick, Col. 1, II. 26-30).

Re. Claim 45, Sevcik discloses a method for operating the information provider server of claim 44, wherein the network address is a URL (for example, Col. 1, lines 60-61; Col. 3, lines 21-32).

Re. Claim 46, Sevcik discloses a method for operating the information provider server of claim 44, wherein the billing information further comprises type of billing (for example, Col. 2, lines 47-57).

Re. Claim 47, Sevcik discloses a method for operating the information provider server of claim 46, wherein the type of billing comprises amount-dependent or fixed-rate (for example, Col. 2, lines 47-57).

Re. Claim 48, Sevcik discloses a communication system comprising an information provider server, a plurality of user terminals, and a transfer device for routing information between the information provider server and the user terminals, a method for providing billing information from the information provider server (Col. 1, Line 1 - Col.3, line 33). Sevcik does not explicitly disclose sending a communication from the information provider server, the communication comprising information to be routed and billing information, wherein the billing information is other than a network address for the information provider server. However, Sevcik discloses that "it is possible .... to modify the ... particular information about Internet applications in the domain name server DNS function, and to modify the authorizations, ... and the billing information in the service control point and in the domain name server function (Col. 3, ll. 26-33, Col. 2, line 47 - Col. 3, line 32; Col. 5, lines 22-26). Further, Henrick discloses sending a communication from the information provider server, the communication comprising information to be routed and billing information, wherein the billing information is other than a network address for the information provider server (The billing information received from the IP by the ISP are the billing definitions in the contract of targeted messages to be sent under specified conditions and within specified time frames, which, if performed, create the billing information through the ISP's documentation transmitted to the IP customer. – Col. 1, ll. 33-45). Accordingly, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to combine the disclosure of Sevcik with the disclosure of Henrick for the purpose of earning extra revenue by establishing a secondary customer group of IP's who pay the ISP to send targeted messages to the ISP 's user customers, thus enabling merchandisers and service providers, and possibly other interested parties, to promote their products, services and ideas to an ISP's users (Henrick, Col. 1, ll. 26-30).

Re. Claim 49, Sevcik discloses a method for providing billing information of claim 48, wherein the communication comprises HTML data, and wherein the billing information comprises a tag to the HTML data (for example, Col. 2, lines 32-54; Col. 3, lines 22-33).

Re. Claim 50, Sevcik discloses a method for providing billing information of claim 48, wherein the billing information comprises an address within the transfer device (for example, Col. 2, lines 32-53).

Re. Claim 52, Sevcik discloses a transfer device for routing information from an information provider server to a plurality of user terminals (Col. 1, Line 1 - Col.3, line 33), the transfer device comprising

- billing the party (Col. 2, II. 47-57; Col. 3, II. 13-20; Col. 5, II. 23-26).

Sevcik does not explicitly disclose programming code in said transfer device for:

- registering network addresses for the information provider servers and billing management information for identifying which party, from at least two parties, to bill; and
- receiving a network address of an information provider server, the information provider server providing the information for routing;
- determining which party to bill, from at least two parties, based on the registered network address and billing management information.

However, Sevcik discloses that "it is possible .... to modify the ... particular information about Internet applications in the domain name server DNS function, and to modify the authorizations, ... and the billing information in the service control point and in the domain name server function (Col. 3, II. 26-33, Col. 2, line 47 - Col. 3, line 32; Col. 5, lines 22-26; programming code is inherent in the teachings of Sevcik).

Further, Henrick discloses

- registering network addresses for the information provider servers and billing management information for identifying which party, from at least two parties, to

bill (Registering of this information is implicit in the Henrick scheme. The information must be obtained if the subsequent steps are to occur.);

- receiving a network address of an information provider server, the information provider server providing the information for routing; determining which party to bill, from the at least two parties, based on the registered network address and the billing management information (The billing information received from the IP by the ISP are the billing definitions in the contract of targeted messages to be sent under specified conditions and within specified time frames, which, if performed, create the billing information through the ISP's documentation transmitted to the IP customer. – Col. 1, ll. 33-45); and

- determining which party to bill, from at least two parties, based on the registered network address and billing management information (Col. 2, l. 7; Fig. 1. An ordinary practitioner of the art would find it obvious that Henrick's teaching would be that the ISP's sole billing processor which performs all billing to customers, including users and ISP's, would have software which is capable distinguishing between any and all customers).

The use of programming code is also inherent in Henrick's disclosure. Accordingly, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to combine the disclosure of Sevcik with the disclosure of Henrick for the purpose of earning extra revenue by establishing a secondary customer group of IP's who pay the ISP to send targeted messages to the ISP 's user customers, thus enabling merchandisers and service providers, and possibly other interested parties, to promote their products, services and ideas to an ISP's users (Henrick, Col. 1, ll. 26-30)..

Re. Claim 53, Sevcik discloses a transfer device wherein the programming code for determining which party to bill comprises code for comparing the received network address with the recorded network addresses to determine if the received network address matches a specific network address; and if the received network address matches the specific network address, code for determining which party, from the at least two parties, to bill for routing the information based on the billing management

information correlated to the specific network address (for example, Col. 2, line 4 – Col. 3, line 33).

Re. Claim 54, Sevcik discloses a transfer device wherein the programming code for determining which party to bill is executed after a user terminal receives an information transmission from the information provider server (for example, Col. 2, line 4 – Col. 3, line 33).

Re. Claim 55, Sevcik discloses a transfer device wherein programming code for registering the network addresses and the billing management information comprises correlating the network addresses with the billing management information in a database (for example, Col. 2, line 4 – Col. 3, line 33).

Re. Claim 56, Sevcik discloses a transfer device wherein programming code for determining which party to bill comprises determining whether to bill the information provider server, and further comprising programming code for refusing to route the information from the information provider server to a user terminal if it is determined that information provider server is not to be billed (for example, Col. 2, line 4 – Col. 3, line 33).

Re. Claim 63, Sevcik discloses a transfer device in a communication network (Col. 1, Line 1 - Col.3, line 33) comprising:

- billing means for billing the party (for example, Col. 2, line 4 – Col. 3, line 33).

Sevcik does not explictly disclose

- registering means for registering network addresses of the information provider server and billing management information;
- receiving means for receiving a network address of an information provider server, the information provider server providing the information for routing; and
- determining means for determining which party to bill, from the at least two parties, based on the received network address and the billing management information.

However, Sevcik discloses that "it is possible .... to modify the ... particular information about Internet applications in the domain name server DNS function, and to modify the authorizations, ... and the billing information in the service control point and in the domain name server function (Col. 3, II. 26-33, Col. 2, line 47 - Col. 3, line 32; Col. 5, lines 22-26; programming code is inherent in the teachings of Sevcik). Further, Henrick discloses

- registering means for registering network addresses of the information provider server and billing management information (Registering of this information is implicit in the Henrick scheme. The information must be obtained if the subsequent steps are to occur.);

- receiving means for receiving a network address of an information provider server, the information provider server providing the information for routing (The billing information received from the IP by the ISP are the billing definitions in the contract of targeted messages to be sent under specified conditions and within specified time frames, which, if performed, create the billing information through the ISP's documentation transmitted to the IP customer. – Col. 1, II. 33-45); and

- determining means for determining which party to bill, from the at least two parties, based on the received network address and the billing management information (Col. 2, I. 7; Fig. 1. An ordinary practitioner of the art would find it obvious that Henrick's teaching would be that the ISP's sole billing processor which performs all billing to customers, including users and ISP's, would have software which is capable distinguishing between any and all customers).

Accordingly, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to combine the disclosure of Sevcik with the disclosure of Henrick for the purpose of using a transfer device in a communication network for earning extra revenue by establishing a secondary customer group of IP's who pay the ISP to send targeted messages to the ISP 's user customers, thus enabling merchandisers and service providers, and possibly other interested parties, to promote their products, services and ideas to an ISP's users (Henrick, Col. 1, II. 26-30).

Re. Claim 64, Sevcik discloses a transfer device wherein the registering means comprises means for registering network addresses, party to bill, and type of billing to apply (for example, Col. 2, line 4 – Col. 3, line 33).

Re. Claim 65, Sevcik discloses a transfer device wherein the determining means comprises: means for comparing the received network address with the recorded network addresses to determine if the received network address matches a specific network address; and means for determining which party, from the at least two parties, to bill for routing the information based on the billing management information correlated to the specific network address (for example, Col. 2, line 4 – Col. 3, line 33).

Re. Claim 66, Sevcik anticipates a communication system comprising an information provider server, a plurality of user terminals, and a transfer device for routing information between the information provider server and the user terminals (Col. 1, Line 1 - Col.3, line 33), the transfer device comprising

- receiving means for receiving from an IP information to be routed to users (Col. 3, ll. 1-9, 21-23; Col. 3, l. 44 - Col. 4, l. 13);
- billing means for billing the party (for example, Col. 2, line 4 – Col. 3, line 33).

Sevcik does not explicitly disclose a

- receiving means for receiving a communication from the information provider server, the communication comprising information to be routed and billing information, wherein the billing information is other than a network address for the information provider server; and
- determining means for determining which party, from at least two parties, to bill for routing the information, wherein determining is based on the billing information.

However, Henrick discloses

- receiving means for receiving a communication from the information provider server, the communication comprising information to be routed and billing information, wherein the billing information is other than a network address for

the information provider server (The billing information received from the IP by the ISP are the billing definitions in the contract of targeted messages to be sent under specified conditions and within specified time frames, which, if performed, create the billing information through the ISP's documentation transmitted to the IP customer. – Col. 1, II. 33-45); and

- determining means for determining which party, from at least two parties, to bill for routing the information, wherein determining is based on the billing information (Col. 2, I. 7; Fig. 1. An ordinary practitioner of the art would find it obvious that Henrick's teaching would be that the ISP's sole billing processor which performs all billing to customers, including users and ISP's, would have software which is capable distinguishing between any and all customers).

Accordingly, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to combine the disclosure of Sevcik with the disclosure of Henrick for the purpose of using a transfer device in a communication system for earning extra revenue by establishing a secondary customer group of IP's who pay the ISP to send targeted messages to the ISP 's user customers, thus enabling merchandisers and service providers, and possibly other interested parties, to promote their products, services and ideas to an ISP's users (Henrick, Col. 1, II. 26-30).

2.   Claims 6, 6/8, 6/9, 6/9/10, 6/11, 6/11/12, and 6/11/12/13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik in view of Schutzer (US Patent 6,292,789, filed Aug. 21, 1998), Van Horne (US Patent 6,286,039, hereafter Van Horne) and Henrick.

Re. **Claim 6,** Sevcik discloses a communication network comprising an information provider server, a plurality of user terminals which receive information from said information provider server and a transfer device for routing information between said information provider server and said user terminals, transmitting the information to the desired destination of the user terminal, a billing method performed by said server-transfer device (for example, Col. 1, Line 1 - Col.3, line 33; Col. 2, lines 14-22; Col. 3, lines 21-32).

Sevcik does not explicitly disclose:

- said transfer device comprising a mailbox for mediating push-type information transmission;

- receiving, from said information provider server, address information for said mailbox information to be delivered to a user terminal and a desired destination of the user terminal;

- storing in said mailbox the information to be delivered to the user terminal;

- billing the information provider server for push-type transmission services through said mailbox.

However, Sevcik discloses that "it is possible .... to modify the ... particular information about Internet applications in the domain name server DNS function, and to modify the authorizations, ... and the billing information in the service control point and in the domain name server function (Col. 3, ll. 26-33, Col. 2, line 47 - Col. 3, line 32; Col. 5, lines 22-26).

Further, **Schutzer** teaches the use of electronic mail messages and electronic mailboxes for transmitting billing information to and storage of such messages in an electronic mailbox (for example, Abstract, lines 9-13).

Also, **Van Horne** discloses the use of push-type information transmission for billing options (for example, Col. 16, lines 55-57). **Henrick** discloses the receiving of information from an IP server to be delivered to a user terminal, including the user's address information (The billing information received from the IP by the ISP are the billing definitions in the contract of targeted messages to be sent under specified conditions and within specified time frames, which, if performed, create the billing information through the ISP's documentation transmitted to the IP customer. – Col. 1, ll. 33-45). Thus, it would have been obvious to one of ordinary skill in the art to combine the disclosures of Sevcik with the teachings of Schutzer, Van Horne and Henrick for the purpose of using a transfer device in a communication network for earning extra revenue by establishing a secondary customer group of IP's who pay the ISP to send targeted messages to the ISP 's user customers, thus enabling merchandisers and

service providers, and possibly other interested parties, to promote their products, services and ideas to an ISP's users (Henrick, Col. 1, II. 26-30).

Re. Claim 8, Sevcik anticipates a billing method as in any one of claims 1-7, wherein billing is based on communication services for at least a portion of the information transmitted (Supra).

Re. Claim 9, Sevcik anticipates a billing method as in any one of claims 1-5, wherein the object of said billing is based on an information fee for information provided (Supra).

Re. Claim 11, Sevcik anticipates a billing method as in any one of claims 1-7, wherein said server device belongs to a first communication network following a first communication protocol and said plurality of user terminals belong to a second communication network following a second communication protocol different from that of said first communication network; and wherein said transfer device is a gateway for converting between said first and second communication protocols and routing information transmissions (Supra).

3.   Claims 7, 7/8, 7/9, 7/9/10, 7/11, 7/11/12 and 7/11/12/13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik in view of Schutzer (US Patent 6,292,789, filed Aug. 21, 1998), Van Horne and Henrick.

Re. **Claim 7, Sevcik** discloses in a communication network comprising an information provider server, a plurality of user terminals which receive information from said information provider server and a transfer device for routing information between said information provider server and said user terminals, said transfer device comprising an information provider server mailbox for mediating push-type information transmission which is billed to the information provider server and a user-billed mailbox for mediating information transmission which is not billed to the information provider server, a billing method performed by said transfer device (Col. 1, Line 1 - Col.3, line 33) comprising:

- billing the user for at least a portion of the second information (Col. 1, Line 1 - Col. 3, line 33; Col. 2, lines 14-22; Col. 3, lines 21-32).

Sevcik does not explicitly disclose

- receiving, from said information provider server, address information for said information provider server mailbox and first information to be delivered to a user terminal;

- storing the first information to be delivered to the user terminal in the information provider server mailbox;

- receiving, from said information provider server, address information for said user-billed mailbox and second information to be delivered to a user terminal;

- storing the second information to be delivered to the user terminal in the user-billed mailbox; and

- provider server for at least a portion of the first information.

However, Sevcik discloses that "it is possible .... to modify the ... particular information about Internet applications in the domain name server DNS function, and to modify the authorizations, ... and the billing information in the service control point and in the domain name server function (Col. 3, II. 26-33, Col. 2, line 47 - Col. 3, line 32; Col. 5, lines 22-26).

Further, **Schutzer** teaches the use of electronic mail messages and electronic mailboxes for transmitting billing information to and storage of such messages in an electronic mailbox (for example, Abstract, lines 9-13).

Also, **Van Horne** discloses the use of push-type information transmission for billing options (for example, Col. 16, lines 55-57). Henrick discloses the receiving of information from an IP server to be delivered to a user terminal, including the user's address information (The billing information received from the IP by the ISP are the billing definitions in the contract of targeted messages to be sent under specified conditions and within specified time frames, which, if performed, create the billing information through the ISP's documentation transmitted to the IP customer. – Col. 1, II. 33-45). Billing the user for the services which tie the user into the transfer device's network is implicit in Henrick's disclosure since user customers are essential prerequisite for the consideration of IP billed transmission activity. The user target group must preexist the IP billed information transmissions. Sevcik explicitly discloses billing

the user. Thus, it would have been obvious to one of ordinary skill in the art to combine the disclosure of Sevcik with the teachings of Schutzer, Van Horne and Henrick for the purpose of using a transfer device in a communication network for earning extra revenue by establishing a secondary customer group of IP's who pay the ISP to send targeted messages to the ISP 's user customers, thus enabling merchandisers and service providers, and possibly other interested parties, to promote their products, services and ideas to an ISP's users (Henrick, Col. 1, ll. 26-30).

Re. **Claim 8,** Sevcik discloses a billing method as in any one of claims 1-7, wherein billing is based on communication services for at least a portion of the information transmitted (Supra).

Re. **Claim 9,** Sevcik discloses a billing method as in any one of claims 1-7, wherein billing is based on an information fee for information provide (Supra).

Re. **Claim 10,** Sevcik discloses a billing method as in claim 9, wherein said transfer device bills users the information fees if the information provider server is not billed (Supra).

Re. **Claim 11,** Sevcik discloses a billing method as in any one of claims 6-7, characterized in that said server device belongs to a first communication network following a first communication protocol and said plurality of user terminals belong to a second communication network following a second communication protocol different from that of said first communication network; and wherein said transfer device is a gateway for converting between said first and second communication protocols and routing information transmissions (Supra).

Re. **Claim 12,** Sevcik discloses a billing method as in claim 11, wherein said second communication network is a local network accommodating specific user terminals; and said first information communication network is a global network interconnecting information resources such as said server device assigned identification information for identifying an absolute network address (Supra).

Re. **Claim 13,** Sevcik discloses a billing method as in claim 12, wherein said second communication network is a mobile communication network accommodating a plurality

of user terminals which are mobile terminals, and wherein said first information communication network is the Internet (Supra).

4.   **Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik and Henrick as applied to claim 14 above, and further in view of Van Horne.

Re. Claim 26, Sevcik does not explicitly disclose a billing method wherein routing of information comprises a push-type information transmission.

However, Van Horne discloses a billing method wherein routing of information comprises a push-type information transmission (for example, Col. 16, lines 55-60). Accordingly, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Sevcik with that of Van Horne in order to implement automated networked billing employing push-type information transmission routing to obtain the broadest possible efficiencies and reach possible through available electronic network technology.

5.   **Claims 42, 43 & 51** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik as applied to claims 39 & 48 above, and further in view of in view of Schutzer (US Patent 6,292,789, filed Aug. 21, 1998) and Van Horne.

Re. Claim 42, Sevcik does not explicitly disclose a billing method wherein the address for the transfer device comprises an address for a mailbox accessible by the transfer device, the mailbox for mediating push-type information transmission, and further comprising storing the information to be routed in the mailbox accessible by the transfer device.

However, Schutzer discloses a billing method wherein the address for the transfer device comprises an address for a mailbox accessible by the transfer device, and further comprising storing the information to be routed in the mailbox accessible by the transfer device (for example, Abstract).

Also, Van Horne discloses a mailbox for mediating push-type information transmission (for example, Col. 16, lines 55-57)

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Sevcik, Schutzer and Van Horne with the further art of Schutzer in order to implement automated networked billing employing push-type information transmission routing through an electronic mailbox and storing such information in such a mailbox as part of an effort to obtain the broadest possible efficiencies and reach through available electronic network technology.

Re. Claim 43, Sevcik and Van Horne do not explicitly disclose a billing method wherein the information provider is billed for the information stored in the mailbox.

However, Schutzer discloses a billing method wherein the information provider is billed for the information stored in the mailbox (for example, Abstract).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Sevcik, Schutzer and Van Horne and with the additional art of Schutzer in order to implement automated networked billing employing push-type information transmission routing through an electronic mailbox and storing such information in such a mailbox as part of an effort to obtain the broadest possible efficiencies and reach through available electronic network technology.

Re. Claim 51, Sevcik does not explicitly disclose providing billing information wherein the address for the transfer device comprises an address for a mailbox accessible by the transfer device, the mailbox for mediating push-type information transmission.

However, Schutzer discloses providing billing information wherein the address for the transfer device comprises an address for a mailbox accessible by the transfer device (for example, Abstract).

Also, Van Horne discloses a mail box for mediating push-type information transmission (for example, Col. 16, lines 55-57).

Accordingly, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Sevcik with that of Schutzer and Van Horne in order to implement automated networked billing employing push-type information transmission routing through an electronic mailbox to obtain the

broadest possible efficiencies and reach through available electronic network
technology.

6.   **Claims 57-62** are rejected under 35 U.S.C. 103(a) as being unpatentable over
Sevcik in view of Schutzer and Henrick.

Re. Claim 57, Sevcik discloses a transfer device for routing information from an
information provider server to a plurality of user terminals (Col. 1, Line 1 - Col.3, line
33), the transfer device comprising:

- a database (Col. 2, ll. 27, 34, 37, 49);
- an information managing portion for storing registration information for the
  user terminals and the information provider server in the database (Performed
  by the Service Control Point - Col. 2, ll. 4-13; 37-43).
- a billing management portion, (Col. 2, ll. 47-61);
- a billing system in communication with the billing management portion, the
  billing system calculating the bill (Col. 2, ll. 57-61; Col. 3, ll. 9-12; 17-20).

Sevcik does not explicitly disclose an information managing portion comprising:

- to determine whether to bill the information provider server and what type of
  billing to apply.
- the billing management portion accessing the registration information for the
  information provider server.
- the information managing portion comprising at least one mailbox for storing
  information to be transferred from the information provider server to the user
  terminals.
- a bus for connecting the information managing portion, billing management   r
  portion and [the information managing portion] billing system.

Since Sevcik discloses the possibility of modifying routing data, addresses,
information about Internet applications, authorizations and billing information, it
would have been obvious for an ordinary practitioner at the time of the invention to

have included IP billing steps, such as determining billability to the IP and accessing related information (Col. 3, II. 26-33).

Further, Schutzer discloses an information managing portion comprising:

- at least one mailbox for storing information to be transferred from the information provider server and the user terminals (Abstract, II. 10-12);

- a bus for connecting the information managing portion, billing management portion and the information managing portion (Inherent. A bus is an essential element of computer systems and computer communications networks.).

Finally, Henrick discloses the receiving of information from an IP server to be delivered to a user terminal, including the user's address information and billing management information (The billing information received from the IP by the ISP are the billing definitions in the contract of targeted messages to be sent under specified conditions and within specified time frames, which, if performed, create the billing information through the ISP's documentation transmitted to the IP customer. – Col. 1, II. 33-45). Thus, it would have been obvious to one of ordinary skill in the art to combine the disclosure of Sevcik with the teachings of Schutzer, Van Horne and Henrick for the purpose of using a transfer device in a communication network for earning extra revenue through the routing of information from an IP server to a plurality of user terminals by establishing a secondary customer group of IP's who pay the ISP to send targeted messages to the ISP 's user customers, thus enabling merchandisers and service providers, and possibly other interested parties, to promote their products, services and ideas to an ISP's users (Henrick, Col. 1, II. 26-30).

Re. Claim 58, Sevcik discloses a transfer device wherein the billing managing portion calculates a number of packets to be exchanged when transmitting information to a user terminal, and stores the calculated number for the billing system (for example, Col. 2, line 4 – Col. 3, line 33).

Re. Claim 59, Sivcek does not explicitly disclose a transfer device wherein the information managing portion comprises a plurality of mailboxes for storing information based on a type of mail service.

However, Schutzer discloses a transfer device wherein the information managing portion comprises a plurality of mailboxes for storing information based on a type of mail service (for example, Abstract, lines 9-13).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Sevcik and Schutzer in order to implement automated networked routing of billing from an information provider to multiple users through a plurality of user mailboxes for storing information as part of an effort to obtain the broadest possible information distribution and billing efficiencies and reach through available electronic network technology.

Re. Claim 60, Sevcik discloses a transfer device comprising a system control portion for performing protocol conversion between the information provider server and the user terminals (for example, Col. 2, line 4 – Col. 3, line 33).

Re. Claim 61, Sevcik discloses a transfer device wherein the information provider server is in an Internet network; wherein the user terminals are in a mobile packet communication network; and wherein the system control portion performs protocol conversion between the mobile packet communication network and the Internet (for example, Col. 3, lines 13-20).

Re. Claim 62, Sevcik discloses a transfer device comprising an information provider server for providing information to the user terminals, the information provider server connected to the bus (for example, Col. 2, line 4 – Col. 3, line 33. A bus is an essential element of computer systems and computer communications networks).

Response to Arguments

7.   Applicant's arguments with respect to claims 1, 4, 6, 7, 14, 39, 44, 48, 52, 57, 63 and 66 have been considered but are moot in view of the new grounds of rejection.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 703-305-6199. The Examiner can normally be reached Monday through Friday, 9am to 6pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on 703- 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington D.C. 20231

or faxed to:

(703)305-7687   [Official communications; including After Final communications labeled "Box AF"]

(703) 746-8177   [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2411 Crystal Drive, Arlington, VA, 7th floor receptionist.

SEC

June 8, 2004

JEFFREY PWU
PRIMARY EXAMINER